

# SENATE RECORD VOTE ANALYSIS

105th Congress  
2nd Session

**Vote No. 75**

April 2, 1998, 7:07 pm  
Page S-3079 Temp. Record

## BUDGET RESOLUTION/VA Smoking Disability Payments

**SUBJECT:** Senate Concurrent Budget Resolution for fiscal years 1999-2003 . . . S.Con. Res. 86. Rockefeller amendment No. 2284 to the Lautenberg (for Rockefeller) amendment No. 2226.

### ACTION: AMENDMENT AGREED TO, 98-0

**SYNOPSIS:** As reported, S.Con. Res. 86, the Senate Concurrent Budget Resolution for fiscal years 1999-2003, will balance the unified budget in 1998 and will run surpluses for each of the next 5 fiscal years. Both Federal spending and Federal revenues will increase 3.5 percent from fiscal year (FY) 1998 to FY 1999. All surpluses will be reserved for Social Security reform. A reserve fund will be established to allow the entire Federal share of revenues resulting from a potential tobacco settlement to be dedicated to bolstering Medicare's solvency.

The Lautenberg (for Rockefeller) amendment would adjust the functional totals to cut transportation funding by \$10.5 billion over 5 years and to increase funding for veterans by the same amount. The purpose of the extra veterans funding would be to give smoking-related disability benefits to veterans and their survivors.

**The Rockefeller second-degree perfecting amendment** would add language to the same effect.

**NOTE:** After the vote, the Senate agreed to a pending Domenici second-degree substitute amendment to the Rockefeller amendment. See vote No. 76.

**Those favoring** the amendment contended:

Senators who favor giving disability benefits to veterans who began smoking while they were in the service should vote for this amendment and against the amendment to follow. This amendment would cut the \$10.5 billion midnight raid that was made on the veterans budget in order to get funds for highway construction. Highway construction is certainly important, but veterans benefits are a greater priority.

(See other side)

YEAS (98)				NAYS (0)		NOT VOTING (2)	
Republican (54 or 100%)		Democrats (44 or 100%)		Republicans (0 or 0%)	Democrats (0 or 0%)	Republicans (1)	Democrats (1)
Abraham	Hutchinson	Akaka	Johnson			Helms- <sup>2AY</sup>	Inouye- <sup>2</sup>
Allard	Hutchison	Baucus	Kennedy				
Ashcroft	Inhofe	Biden	Kerrey				
Bennett	Jeffords	Bingaman	Kerry				
Bond	Kempthorne	Boxer	Kohl				
Brownback	Kyl	Breaux	Landrieu				
Burns	Lott	Bryan	Lautenberg				
Campbell	Lugar	Bumpers	Leahy				
Chafee	Mack	Byrd	Levin				
Coats	McCain	Cleland	Lieberman				
Cochran	McConnell	Conrad	Mikulski				
Collins	Murkowski	Daschle	Moseley-Braun				
Coverdell	Nickles	Dodd	Moynihan				
Craig	Roberts	Dorgan	Murray				
D'Amato	Roth	Durbin	Reed				
DeWine	Santorum	Feingold	Reid				
Domenici	Sessions	Feinstein	Robb				
Enzi	Shelby	Ford	Rockefeller				
Faircloth	Smith, Bob	Glenn	Sarbanes				
Frist	Smith, Gordon	Graham	Torricelli				
Gorton	Snowe	Harkin	Wellstone				
Gramm	Specter	Hollings	Wyden				
Grams	Stevens						
Grassley	Thomas						
Gregg	Thompson						
Hagel	Thurmond						
Hatch	Warner						

#### EXPLANATION OF ABSENCE:

- 1—Official Business
- 2—Necessarily Absent
- 3—Illness
- 4—Other

#### SYMBOLS:

- AY—Announced Yea
- AN—Announced Nay
- PY—Paired Yea
- PN—Paired Nay

Veterans law generally requires the Veterans Administration (VA) to pay disability compensation to veterans for any injuries, diseases, or conditions they incur while they are in service in the military. After long debate, and for very good reasons, the Government long ago decided that veterans disability compensation is not limited to combat-related conditions. In 1993, the VA general counsel interpreted the law to require the payment of disability compensation to veterans who could prove they had become addicted to tobacco while in military service, if that addiction continued without interruption and resulted in an illness and disability.

We agree with the general counsel's ruling. Many of us served in the military, and we remember that we were encouraged to smoke at every opportunity. Cigarettes were given to us free in our rations, and tobacco products were sold in commissaries at discounts as high as 75 percent. The military encouraged nicotine addiction, and many people, decades after they have left the service, have remained addicted and have severe medical problems as a result.

The estimated cost for giving that disability benefit over the next 5 years is \$10.5 billion. That cost should be build into the veterans mandatory spending baseline, but it is not. Instead, this budget resolution will put the money into highway construction. Unfortunately, the Clinton Administration also wants to deny this benefit, and has in fact twice included prohibitions on its being given in his budget proposals. Therefore, if Senators are going to protect benefits, they are going to have to do it on their own.

The Rockefeller amendment would protect those benefits. We hope an alternative source of funding can be found for highway spending, but that is not our main concern. Our first priority is to provide veterans the benefits they deserve. Therefore, we urge adoption of this amendment.

**While favoring the amendment,** some Senators expressed the following reservations:

We support this amendment as a means of indicating our support for giving veterans the benefits that they deserve. However, we are not at all certain that giving smoking-related disability benefits is advisable. The costs of giving claims under this benefit would be huge (\$10.5 billion over 5 years and \$45 billion over 10 years, according to the Congressional Budget Office), and could seriously strain the ability of the VA to provide needed services to other veterans. The VA is struggling right now to modernize veterans hospitals, expand outpatient care, and build obligations for State-managed and shared veterans nursing homes. It does not need the added expense of trying to provide this new benefit. Under this proposal, a World War II, Korean, or Vietnam veteran with severe dis